

AMENDED IN SENATE JULY 17, 2003

AMENDED IN ASSEMBLY MAY 6, 2003

AMENDED IN ASSEMBLY MARCH 24, 2003

CALIFORNIA LEGISLATURE—2003–04 REGULAR SESSION

## ASSEMBLY BILL

**No. 575**

**Introduced by Assembly Member Dutra**

February 18, 2003

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An act to amend Section 40000.19 of, and to add *and repeal* Division 14.75 (commencing with Section 34200) ~~to, to of~~, the Vehicle Code, relating to motor carriers.

### LEGISLATIVE COUNSEL'S DIGEST

AB 575, as amended, Dutra. Motor carriers: transporting hazardous materials and substances.

(1) Existing law separately regulates the transportation of explosives, hazardous materials, inhalation hazard, hazardous radioactive materials, and flammable or combustible liquids, under specified circumstances.

This bill would require, in addition to any applicable existing equipment requirements, a vehicle or combination of vehicles transporting materials or substances, defined or identified in federal regulations, to be equipped with a device that enables a peace officer, a motor carrier, or motor carrier's agent to immediately disable the vehicle, *or a device that the Department of the California Highway Patrol determines is at least as effective in deterring hijacking as a disabling device*.

The bill would also require a vehicle, or at least one vehicle in a combination of vehicles, transporting these materials or substances to be equipped with a ~~global positioning system receiver and any hardware necessary~~ *position location reporting system* to enable the motor carrier to determine the location of that vehicle at any time.

Because a violation of these provisions would be a crime, this bill would impose a state-mandated local program.

The bill would require the Department of the California Highway Patrol to adopt necessary regulations.

The bill would provide that its provisions become operative on July 1, 2005, unless the Commissioner of the California Highway Patrol determines that technology advancements allow for an earlier implementation date, as specified. *The bill would provide that its provisions shall remain operative only until the United States Secretary of Transportation notifies the commissioner that a federal statute or regulation preempts the bill's provisions. The bill would require the commissioner to immediately notify the Secretary of State of receipt of that preemption notification and would repeal its provisions upon the Secretary of State's receipt of that notice.*

(2) The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

Vote: majority. Appropriation: no. Fiscal committee: yes. State-mandated local program: yes.

*The people of the State of California do enact as follows:*

1 SECTION 1. Division 14.75 (commencing with Section  
2 34200) is added to the Vehicle Code, to read:

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4 DIVISION 14.75. SENSITIVE HAZARDOUS MATERIALS  
5 AND SUBSTANCES

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7 34200. (a) It is the intent of the Legislature, in enacting this  
8 division, to establish special safeguards for the transportation of,  
9 and to rigorously control the transportation of, hazardous

1 materials and substances, that are uniquely vulnerable to theft or  
2 ~~attach~~ *attack*.

3 (b) The materials and substances listed under Section ~~32001~~  
4 *34201* are considered to be sensitive when transported, and while  
5 in transit, are uniquely vulnerable to theft or attack.

6 ~~32001.~~—

7 *34201.* This division applies to the transportation in bulk  
8 packaging of the following hazardous materials and substances, as  
9 defined *or identified* under subchapter C (commencing with  
10 Section 171) of Title 49 of the Code of Federal Regulations:

11 (a) Division 2.3 (poison or toxic gas).

12 (b) Class 3 (flammable and combustible liquid), shipped in  
13 bulk packaging with an aggregate capacity equal to or greater than  
14 3,500 gallons.

15 (c) Division 6.1 (poison or toxic material) Packing Group I,  
16 poisonous-by-inhalation (Hazard Zone A or Hazard Zone B).

17 (d) Division 6.2 (infectious substance) Risk Group 3 or 4,  
18 transported in any amount.

19 (e) Class 7 (radioactive material), highway route controlled  
20 quantities.

21 ~~34202.~~ ~~(a)~~—A vehicle or combination of vehicles used in the  
22 transportation of materials and substances subject to this division,  
23 in addition to any other equipment restrictions required by law,  
24 shall be equipped and maintained as required by this division.

25 *34203.* A vehicle, or at least one vehicle in a combination of  
26 vehicles, shall be equipped with a ~~global-positioning-system~~  
27 ~~receiver-and-all-hardware-necessary~~ *position location reporting*  
28 *system* to enable the motor carrier to determine the location of that  
29 vehicle at any time.

30 *34204.* A vehicle, or at least one vehicle in a combination of  
31 vehicles, shall be equipped with ~~a~~ *at least one of the following*:

32 (a) A device that enables a peace officer, a motor carrier, or an  
33 agent of the motor carrier to immediately disable the vehicle.

34 (b) *A device that the Department of the California Highway*  
35 *Patrol determines is at least as effective in deterring hijacking as*  
36 *the device described in subdivision (a).*

37 *34205.* (a) The Department of the California Highway Patrol  
38 shall adopt regulations that are necessary to administer this  
39 division.

(b) It is a misdemeanor for a person to violate this division or regulations adopted under this division.

~~34205.—~~

34206. (a) This division shall become operative on July 1, 2005, or on an earlier date, if the commissioner determines that technology advancements allow for an earlier implementation date and the commissioner notifies the Secretary of State of that fact. If the Secretary of State is notified, this division shall become operative upon the date of receipt of that notice.

(b) *This division shall remain operative only until the United States Secretary of Transportation notifies the commissioner that a federal statute or regulation preempts this division. The commissioner shall immediately notify the Secretary of State of the receipt of that preemption notification, and, upon the receipt of that notice by the Secretary of State, this division is repealed.*

SEC. 2. Section 40000.19 of the Vehicle Code is amended to read:

40000.19. A violation of any of the following provisions is a misdemeanor, and not an infraction:

(a) Section 31303, relating to transportation of hazardous waste.

(b) Division 14 (commencing with Section 31600), relating to transportation of explosives.

(c) Division 14.1 (commencing with Section 32000), relating to the transportation of hazardous material.

(d) Division 14.3 (commencing with Section 32100), relating to transportation of inhalation hazards.

(e) Division 14.5 (commencing with Section 33000), relating to transportation of radioactive materials.

(f) Division 14.7 (commencing with Section 34001), relating to flammable liquids.

(g) Division 14.75 (commencing with Section 34200), relating to the transportation of sensitive hazardous materials *and substances*.

SEC. 3. No reimbursement is required by this act pursuant to Section 6 of Article XIII B of the California Constitution because the only costs that may be incurred by a local agency or school district will be incurred because this act creates a new crime or infraction, eliminates a crime or infraction, or changes the penalty for a crime or infraction, within the meaning of Section 17556 of

1 the Government Code, or changes the definition of a crime within  
2 the meaning of Section 6 of Article XIII B of the California  
3 Constitution.

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